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FTA Releases Final Guidance on Application of Rail Corridors

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The Federal Transit Administration (FTA) announced that it published final guidance on the application of 49 U.S.C. § 5324(c), which permits the FTA to provide funds for the acquisition of existing railroad right-of-way (ROW) under certain circumstances prior to the completion of any environmental review required for a project to be built on the corridor. The acquisition must only involve linearly configured right-of-way that is readily identifiable as a railroad corridor. The interest to be acquired may be fee simple title, an easement, lease or trackage rights, as long as the duration of the interest covers both the time needed to build a transit facility on the ROW and the useful life of that transit facility. The use of any FTA funds for the acquisition will be subject to all environmental requirements, with the exception of timing. In addition, the acquiring agency must comply with all other applicable federal requirements, most notably the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act and its implementing regulation at 49 CFR Part 24.